

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

D'ANGELO LEE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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No. 3:14-CV-2799-M-BF

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. No objections were filed. The District Court reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate.

IT IS THEREFORE ORDERED that the motion for relief from judgment under Fed. R. Civ. P. 60(b) is construed as a successive habeas petition under 28 U.S.C. § 2255, and the petition is **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit. *See* [28 U.S.C. ' 2244\(b\)\(3\)](#); [28 U.S.C. § 1631](#).¹ The Clerk's Office is directed to open a new civil action, nature of suit 510, with direct assignment to Chief Judge Lynn and Magistrate Judge Stickney, and terminate the motion in this case.

SO ORDERED this 11th day of December, 2017.


BARBARA M. G. LYNN
CHIEF JUDGE

¹ An order transferring a successive application to the court of appeals is not a final order requiring a certificate of appealability. *See United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015).